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EXAMINER	
HSU, AMY R	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/725,230	OURA ET AL.	
	Examiner	Art Unit	
	Amy Hsu	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/26/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,18 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,18 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 11/26/2007 have been fully considered but they are not persuasive.

Examiner has carefully reviewed the Applicant's Remarks/Arguments and understands all applicant's arguments which are separated as four distinct arguments and addressed below. However, although the applicant is correct within the limit of the Remarks/Arguments, the broadest interpretation of the claim language is taken and therefore the examiner maintains the rejections set forth in the Non Final Action mailed on July 27, 2007.

Firstly, the applicant argues in Page 14 Line 7 of the Applicant's Remarks/Arguments that the selector to select between a first photographing mode in which the camera serves as a master and a second photographing mode in which an external apparatus serves as a master is not part of the external apparatus in the reference cited, Hirasawa. Examiner agrees that Fig. 22 is from the camera side, and Fig. 21 is from the PC side. However, examiner maintains that even from the perspective of the camera side in Fig. 22, it is seen that in S511 the PC side activates the mode setting program (*Col 22 Lines 3-5, "it is checked at Step S511 whether the PC side operates the mode setting program")*. Therefore the PC side choosing to operating the mode setting program or not determines whether the PC side gains control as the master or not. The above described is a means of selecting from the PC side whether the PC gains control, and is the selector to select between the first and second photographing mode. Note the claim does not limit the selector to a switch or button

with two clear and distinct options of PC or camera as master, and therefore a means of selecting from the PC side, which results in PC or camera as master, qualifies as a selector.

Secondly, the applicant argues in Page 16 Line 13 of the Applicant's Remarks/Arguments that Hirasawa does not have "a controller configured to set the second photographing mode just after a start of camera control through the external apparatus". Examiner maintains that a controller is the control such as the CPU from the external apparatus, the PC. The controller within the PC sets the second photographing mode, which is the PC as master to control the camera, just after a start of camera control through the PC. In Fig. 22 at S511, the PC decides whether to start the mode setting program, if yes, control is rewritten with the PC's commands, which is controlling the camera to photograph. Note the "controller" of Page 3 Line 8 of the Amendments to the Claims is not limited as an interface seen by the user, and can therefore be any means by which the PC is controlled to act as the master. Col 22 describes that when the PC side takes control in S511 of Fig. 22, the PC is the master by having the ability to rewrite controls of the camera. Also note that "to set the second photographing mode" is to set a mode in which the external apparatus serves as a master and controls the camera to photograph. The PC having any control over the camera's photographing functions qualifies as the external apparatus controls the camera to photograph. Either way the camera will physically perform the photographing, irrespective of what is controlling the activation of the shutter button, but the PC can control the camera to photograph in terms of setting shutter speed for the

camera to photograph. The claim does not limit the PC to activate the shutter button to directly perform image capture.

Thirdly, the applicant argues in Page 17 Line 6 of the Applicant's Remarks/Arguments that Hirasawa does not teach or even suggest that photographing information set on the camera side is read into the external apparatus (PC). Examiner maintains that in Col 25 Lines 1-12, an actually photographed image is loaded into the PC and the user of the PC can change certain aspects such as hue adjustment. One of ordinary skill in the art will recognize that image data from the camera which represents the image seen by the user on the PC is read into the PC. At least the actual image data can be considered photographing information which is set in the camera. Additionally, one of ordinary skill in the art would also realize the image data from the camera contains information that can be evaluated by either the camera or the PC to have a certain definite scale that can be seen by the user, for example the hue scale on Fig. 28. This information is also photographing information that is read into the PC. Note that photographing information set in the camera is not limited to the type of information such as shutter speed and can be any information including camera image data relating to photographing.

Fourthly, the applicant argues in Page 19 Line 11 of the Applicant's Remarks/ Arguments that amending the claim 4 to "...a picture is automatically taken by the camera...", now reads over the prior art. Examiner maintains that Hirasawa teaches photographing based on the photographing conditions set through the external apparatus operator (Col 23 Lines 22-43). Hirasawa also teaches the camera has

means for transmitting control data corresponding to desired photographing condition selected by a guide means in Col 5 Lines 11-15. The control data corresponding to desired photographing conditions selected by a guide means is inclusive of settings made on the PC side. Hirasawa further teaches means on the camera to return a photographed image corresponding to the control data. Therefore an image is taken and returned to a display which corresponds to the set control data by the PC side.

Additionally, applicant argues regarding claims 5, 8, 9, 13, and 18 similar arguments as those described above.

Lastly, regarding applicant's argument in Page 23 Line 6 of Applicant's Remarks/Arguments, examiner maintains that motivation comes from Hirasawa. Col 5 Lines 10-20 teach that the camera returns a photographed image corresponding to control data. Also in Col 5 Lines 33-35 Hirasawa teaches one of the important aspects of the invention is that the camera returns a photographed image corresponding to the changed control data. This means if the control data, from either the camera or the PC as are both possible in Hirasawa's invention, is changed then a photographed image corresponding to the change is returned. Hirasawa also teaches that photographed images are later seen on the PC display where the user has options to change more settings of the already photographed image. Therefore Hirasawa teaches returning a photographed image corresponding to changed control data, irrespective and including control data from PC or camera, and returns it to the display control means. Hirasawa teaches two displays, the camera's and the PC's. It would have been obvious to display the returned photographed image corresponding to the changed control data not only to

the camera's display but also to the PC's display since one of the main features of Hirasawa is to see the camera's image on the PC in order to allow the user to further adjust the taken image.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1,3-5, 7-9, 11-13, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirasawa (US 6,980,233).

Regarding Claim 1, Hirasawa teaches an image pickup system comprising: a camera; and an external apparatus (*Fig. 20, reference number 103, PC, is the external*

apparatus and the portion connected 103 via a 1394 cable is the camera), the camera and the external apparatus being connected to each other via a two-way communication line (*Fig. 20, IEEE 1394 cable)*, wherein the camera comprises: a camera operator capable of setting at least a photographing condition (*Fig. 22 step S507 represents the camera in the system that Hirasawa teaches, where the camera is under ordinary camera operation before connection with the external apparatus is detected. One of ordinary skill in the art will realize that an ordinary camera includes means capable of setting photographing conditions)*: and a camera communicator configured to allow the camera to photograph based on one of a photographing condition set through the camera operator (*this will be achieved by communication means within the camera depicted in Fig. 20 indicated by arrows)* and a photographing condition received from the external apparatus (*Fig. 20 reference number 2627)* and transmitting image data obtained by photographing to the external apparatus (*Col 4 Lines 56-58 and Col 5 Lines 18-21 teach that the external apparatus contains display control means which displays images from the camera, therefore the camera transmits the images to the external apparatus)*, and the external apparatus comprising: an external apparatus operator capable of setting at least the photographing condition of the camera (*Fig. 26 is a list of camera control commands inputted from the external apparatus, or computer)*; capable of displaying a set state of the photographing a display unit condition (*Fig. 25 shows a display on the computer which displays the evening sun photographing condition is set, which corresponds to certain photographing conditions such as white balance, shutter speed, and iris value as*

described in Col 23 Lines 13-16); an external apparatus communicator (*Fig. 20, IEEE 1394 cable)* configured to transmit photographing condition to the camera (*Fig. 25 reference number 606 and Col 23 Lines 7-12)* and receive image data from the camera (a hard disk of PC, reference number 103, see Col 1 Lines 25-30); a selector configured to select between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph (*Fig. 22 shows the process for a camera up to a mode setting operation, which happens on the computer side as described in Col 7 Lines 9-10. In Fig. 22, at step S510 when the computer is connected if the mode setting program is activated from the computer side, Fig. 21 S505, then the computer takes control. In contrast, when the mode setting program is not activated by the computer side then the flow points back to S507 which is ordinary camera operation, where the camera is the master. Therefore the activation of the mode setting program acts as the claimed selector)*; and a controller configured to set the second photographing mode just after a start of camera control through the external apparatus (*In Fig. 22, in step S511 if from the computer side, the mode setting program is activated, then the computer takes control of the camera which is the second photographing mode where the external apparatus serves as a master as described in Col 22 Lines 3-14)*, read photographing information set in the camera into the external apparatus (*While the system is in the second photographing mode, photographing information from the camera is read into the computer. In Col 25 Lines 8-11, from the computer side, the user can change the standard setting state of the*

video camera. This can only happen if the image containing photographing information such as hue and color density in Fig. 32 is read in from the camera. In Fig. 32 the cursor on the hue scale is originally at a certain point corresponding to original information from the camera before the user adjusts it therefore the computer reads photographing information set in the camera in the second photographing mode), and, set the first or second photographing mode in accordance with the selection by the selector (*after the above described step is complete, Fig. 23 "end", the process is followed back to Fig. 22, end of step S512, which goes back to the start of step S511. At this point if the mode setting program is activated the computer has control and if the mode setting program is not activated the flow goes back to Step S507, where the camera has control of itself. Therefore after the reading information from the camera, the first or second mode is set in accordance wit the selection means which is activation of the mode setting program).*

Regarding Claim 3, Hirasawa teaches the photographing system according to Claim 1, wherein the external apparatus operator is capable of being configured to set a plurality of the photographing conditions of the camera, and when the controller sets the second photographing mode, each time one of said photographing conditions is set through the external apparatus operator, the controller allows the camera to: photograph based on the photographing conditions including the set photographing condition (*Col 23 Lines 5-12)*; receive obtained image data; and control the display unit to display the image data (*Col 4 Lines 56-58 and Col 5 Lines 18-21 teach that the*

external apparatus contains display control means which displays images from the camera, therefore the camera transmits the images to the external apparatus).

Regarding Claim 4, Hirasawa teaches an image pickup system comprising: an external apparatus comprising an external apparatus operator configured to set a plurality of photographing conditions related to a camera (*Col 23 Lines 5-12 and Fig. 24)*, and a display unit configured for displaying respective set states of the photographing conditions (*Fig. 28 displays set states such as iris value and shutter speed)*; and said camera having a camera operator capable of setting at least the photographing conditions (*Col 25 Lines 24-26)*, the camera being capable of photographing based on one of the photographing conditions set through the camera operator and the photographing condition received from the external apparatus (*Col 25 Lines 19-21)* and transmitting image data obtained by photographing to the external apparatus (*a hard disk of PC, reference number 103, see Col 1 Lines 25-30*), wherein in photographing based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is taken by the camera based on the photographing conditions including the set photographing condition (*Col 25 Lines 19-21)*, image data obtained is transmitted from the camera to the external apparatus, and the image data is displayed through the display unit (*as previously addressed)*.

Regarding Claim 5, Hirasawa teaches a camera constructed so as to be

connected to an external apparatus through a two-way communication line, the camera comprising: a camera operator capable of setting at least a photographing condition; a camera communicator configured to allow the camera to photograph based on one of a photographing condition set by the camera operator and a photographing condition received from the external apparatus and transmitting image data obtained by photographing to the external apparatus (*a hard disk of PC, reference number 103, see Col 1 Lines 25-30)*, wherein just after the start of camera control through the external apparatus, when a selection between a first photographing mode, in which the camera serves as a master to photograph, and a second photographing mode, in which the external apparatus serves as a master and controls the camera to photograph, is performed under the control of the external apparatus to set the second photographing mode (*as previously addressed with Claim 1 referencing Fig. 22 mode setting program activation step S511*), photographing information set in the camera is transmitted to the external apparatus in response to a request sent from the external apparatus (*during the second photographing mode where the computer is the master, photographing information set in the camera is transmitted to the computer as previously addressed with Claim 1 with reference to Fig. 28, this is done in response to activation of Fig. 25 reference number 606 the camera setting button which in turn requests photographing information such as hue and color density from the camera)*, and, a picture is taken in one of the first photographing mode and the second photographing mode under control of the external apparatus (*as previously addressed with Claim 1)*.

Regarding Claim 7, Hirasawa teaches the camera according to Claim 5, wherein the camera is capable of receiving a plurality of photographing conditions from the external apparatus, and in the second photographing mode, each time one of said photographing conditions is received from the external apparatus, a picture is taken based on photographing conditions including the received photographing condition, and obtained image data is transmitted to the external apparatus, as similarly address with Claim 3.

Regarding Claim 8, Hirasawa teaches a camera constructed so as to be communicably connected to an external apparatus (*Fig. 20)*, the camera comprising: a camera operator configured for setting at least a photographing condition; and a camera communicator configured for allowing the camera to photograph based on one of a photographing condition set through the camera operator and a photographing condition received from the external apparatus and transmitting image data obtained by photographing to the external apparatus, wherein in photographing based on the photographing condition received from the external apparatus, each time one photographing condition is received from the external apparatus, a picture is taken based on the received photographing condition, and image data obtained by photographing is transmitted to the external apparatus (*as previously addressed with Claim 1)*.

Regarding Claim 9, Hirasawa teaches an external apparatus configured to be

connected to a camera through a two-way communication line (*Fig. 20)*, the external apparatus comprising: an external apparatus operator capable of setting at least a photographing condition of the camera; a display unit capable of displaying a set state of the photographing condition; an external apparatus communicator for transmitting the photographing condition and receiving image data from the camera; a selector of said external apparatus for selecting between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph; and a controller configured to: set the second photographing mode just after a start of camera control through the external apparatus, read photographing information set in the camera, and, set the first or second photographing mode in accordance with the selection by the selector (*as addressed with Claim 1).*

Regarding Claim 11, Hirasawa teaches the external apparatus according to Claim 9, wherein the external apparatus operator is configured for setting a plurality of photographing conditions of the camera, and when the controller sets the second photographing mode, each time one photographing condition is set through the external apparatus, the controller enables the camera to: photograph based on the photographing conditions including the set photographing condition, receive image data obtained by photographing, and control the display unit to display the image data (*as addressed with Claim 3)*

Regarding Claim 12, Hirasawa teaches the external apparatus according to Claim 9, further comprising: a storage device (*"hard disk" Col 1 Line 27)* configured to store image data received through the external apparatus communicator (*Col 1 Lines 19-30)*.

Regarding Claim 13, Hirasawa teaches an external apparatus configured to be communicably connected to a camera, the apparatus comprising: an external apparatus operator configured for setting a plurality of photographing conditions related to the camera; and a display unit capable of displaying respective set states of the photographing conditions, wherein when a picture is taken through the camera based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is taken by the camera based on photographing conditions including the set photographing condition, image data obtained by photographing is received, and the received image data is displayed by the display unit as previously addressed.

Claims 18 and 19 are methods containing corresponding limitations of the claimed apparatus in previous claims and are therefore similarly rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2,6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirasawa (US 6,980,233).

Regarding Claim 2, Hirasawa teaches the photographing system according to claim 1, and teaches a that pictures are taken in a first photographing mode (*Fig. 22 step S507), and also teaches* the camera communication means to transmit obtained image data to the external apparatus (*Fig. 20, IEEE 1394 cable)* but fails to teach that images are transmitted to the external apparatus each time a photo is taken under the control of the camera. It would have been obvious to one or ordinary skill in the art at the time of the invention to modify the teaching of Hirasawa by allowing the taught system to transfer an image taken under the control of the camera to the external apparatus every time a picture is taken because the external apparatus can have a much larger display that will allow the user to look at the result with more ease and in more detail and be able to change aspects of the picture such as hue and color density while seeing the results clearly on a large display.

Regarding Claim 6, the camera according to claim 5, wherein in the first photographing mode, the camera communication means transmits obtained image data to the external apparatus each time a picture is taken is rejected similarly to Claim 2.

Regarding Claim 10, the external apparatus according to Claim 9, wherein in the first photographing mode, the external apparatus communicator receives image data obtained by photographing from the camera each time a picture is taken is rejected similarly to Claim 2.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including Yoshimura (US 6556241), Kawahara (US 6677990), Niikawa (US 6819355), Mohammed (US 6975350), and Okuno (US 6977672).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
Examiner
Art Unit 2622

ARH 2/19/08

LIN YE
SUPERVISORY PATENT EXAMINER